

February 20, 1978

LR 166
LB 665, 460, 504, 534, 595,
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On page 2, in section 2, the second paragraph, it says, "Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by" and then it makes a citation to the Uniform Commercial Code. That is the only reference that I saw to the code in the bill and I don't see that anything in the bill provides a definition of product to which this bill will attach and this bill is authorizing a product liability action as such.

SENATOR DeCAMP: I have stated that's the intent. If you need further clarification, I have no objection. I think we have all the case history and everything to indicate this. There is no problem on that.

SENATOR CHAMBERS: Thank you, Senator DeCamp.

SENATOR DeCAMP: I also would point out....

SENATOR CHAMBERS: On your time, Senator DeCamp, because I am not going to be long, but before they call the hour, I want to get this through. Members of the Legislature, I am not going to offer any amendments to your bill. I see what I think is some fatal defects. I tried to amend the medical malpractice bill and probably helped it pass constitutional muster. I think this bill has not been well drafted. I think there are notable omissions. There are things which can be covered under the term product in this bill other than what Senator DeCamp indicated to you. There is no definition of product. Anything constructed based on this bill, which is establishing a product liability action, is covered by this bill. A building is constructed. This, in a number of places, says in disregard of any other statutory provision. So it is amending by implication or attempting to other provisions of statute. I think there are a lot of problems with it.

PRESIDENT: You have one minute, Senator.

SENATOR CHAMBERS: Thank you, along the way I am just going to call some of them to your attention. You are not going to get them answered. You are not going to get them addressed because the people who have negotiated and bargained on this bill have not dealt with those issues but I think I see some serious constitutional infirmities and my job is at the appropriate time to raise those issues and I will not do it here because I can see it is pointless. If the phone calls don't come from upstairs, Senator Kelly, or wherever they come from, nothing is going to be done so I am not going to waste my time on that particular chimera.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined engrossed legislative bill 508 and find the same correctly engrossed; 534 correctly engrossed; 585 correctly engrossed; 656 correctly engrossed. Mr. President, Legislative Resolution 166 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 166.

CLERK: Mr. President, your committee on Ag and Environment whose Chairman is Senator Schmit to whom was referred LR 460

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